

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** Chair Debby Barrett, on February 2, 2011 at 3:00 PM, in Room 422 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Debby Barrett, Chairman (R)  
Sen. Greg Hinkle, Vice Chairman (R)  
Sen. John Brenden (R)  
Sen. Bradley Hamlett (D)  
Sen. Verdell Jackson (R)  
Sen. Christine Kaufmann (D)  
Sen. Jim Keane (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Mitch Tropila (D)  
Sen. Edward Walker (R)  
Sen. David E. Wanzonried (D)

**Members Excused:** Sen. Cliff Larsen (D)  
Sen. Jim Peterson (R)  
Sen. Chas Vincent (R)

**Members Absent:** None

**Staff Present:** Kevin McCue, Committee Secretary  
Sonja Nowakowski, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 233, 1/31/2011; SB 239, 1/31/2011

Executive action: SB 86 - Tabled  
SB 89 - Do pass as amended

**HEARING ON SB 239**

**Opening Statement by Sponsor:**

00:01:44 Sen. Art Witich (R), SD 35, opened the hearing on SB 239, Temporarily prohibiting DEQ enforcement authority for public water systems.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

00:05:06 Jon Dilliard, Public Water Supply Bureau Chief, Department of Environmental Quality (DEQ)

**EXHIBIT(nas26a01)**

00:08:45 Anne Hedges, lobbyist, Montana Environmental Information Center (MEIC)

00:10:04 Tim Read, Mineral County Environmental Health and Planning Department

**EXHIBIT(nas26a02)**

00:11:46 Jana Suchy, self

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:12:51 Sen. Brenden

00:13:17 Mr. Dilliard, DEQ

00:14:36 Sen. Wanzonried

00:15:14 Sen. Wittich

00:17:39 Sen. Vincent

00:18:10 Mr. Dilliard

00:19:04 Sen. Kaufmann

00:19:16 Sen. Wittich

00:20:08 Sen. Tropila

00:21:15 Sen. Wittich

00:23:51 Sen. Larsen

00:24:25 Mr. Dilliard

00:26:15 Sen. Hamlett

00:27:08 Mr. Dilliard

00:27:26 Without objection, John Arrigo, Administrator of Enforcement Division, DEQ

00:32:29 Sen. Hamlett

00:32:50 Mr. Arrigo

00:35:18 Sen. Tropila

00:35:51 Sen. Wittich

00:36:12 Sen. Barrett

00:36:44 Sen. Wittich

**Closing by Sponsor:**

00:37:00 Sen. Wittich

**HEARING ON SB 233**

**Opening Statement by Sponsor:**

00:41:36 Sen. Jim Keane (D), SD 38, opened the hearing on SB 233, Generally revise environmental impact laws.

**Proponents' Testimony:**

00:44:32 Leo Berry, lobbyist, Great Northern Properties, L.P.

00:51:46 J.D. Lynch, lobbyist, Montana State Building & Construction Trades Council

00:52:32 Cary Hegreberg, Montana Contractors Association (MCA)

**EXHIBIT(nas26a03)**

00:57:27 Todd O'Hair, Senior Government Affairs Officer, Cloud Peak Energy

**EXHIBIT(nas26a04)**

01:01:28 Debbie Shea, lobbyist, Montana Mining Association (MMA)

01:03:00 Chris Cavazos, lobbyist, Montana State AFL-CIO

01:03:29 Richard Grady, self

**EXHIBIT(nas26a05)**

01:06:19 Bob Winger, President, International Brotherhood of Boilermakers Local 11

01:08:23 Jon Bennion, lobbyist, Montana Chamber of Commerce (MCC)

01:09:32 Dave Galt, lobbyist, Montana Petroleum Association (MPA)

01:10:01 Patrick Heffernan, lobbyist, Montana Wood Products Association (MWPA)

01:10:44 Jason Todhunter, lobbyist, Montana Logging Association (MLA)

01:11:33 Don Allen, lobbyist, Western Environmental Trade Association (WETA)

**Opponents' Testimony:**

01:13:56 Anne Hedges, lobbyist, Montana Environmental Information Center (MEIC)

01:21:25 Beth Kaeding, board member, Northern Plains Resource Council (NPRC)

**EXHIBIT(nas26a06)**

01:24:43 Deb Hanneman, self

01:25:37 Rachel Roberts, lobbyist, Concerned Citizens Montana, Inc.

01:28:37 Janet Ellis, lobbyist, Montana Audubon

**EXHIBIT(nas26a07)**

01:33:37 Bob Lane, Chief Legal Counsel, Fish, Wildlife and Parks (FWP)

01:37:49 Ross Prosperi, lobbyist, Montana Conservation Voters (MCV)

01:40:52 Bob Haseman, self

**Informational Testimony:**

01:41:30 Doug Lair, Western Tradition Partnership

01:43:40 John North, Chief Legal Counsel, Department of Environmental Quality (DEQ)

**Questions from Committee Members and Responses:**

01:43:57 Sen. Walker  
 01:45:30 Mr. O'Hair  
 01:48:32 Sen. Peterson  
 01:49:15 Mr. Berry  
 01:51:32 Sen. Kaufmann  
 01:51:58 Ms. Hedges, MEIC  
 01:55:22 Sen. Hamlett  
 01:55:48 Sen. Keane  
 01:56:52 Sen. Tropila  
 01:57:18 Mr. O'Hair  
 01:58:49 Sen. Barrett  
 01:59:02 Mr. Berry  
 02:01:53 Sen. Walker  
 02:02:22 Mr. Grady

**Closing by Sponsor:**

02:05:39 Sen. Keane  
 02:08:44 Recess

**EXECUTIVE ACTION ON SB 86**

02:14:32 **Motion:** Sen. Hinkle moved that **SB 86 DO PASS.**

02:15:00 **Motion:** Sen. Hinkle moved that **SB 86 BE AMENDED.**  
**EXHIBIT**(nas26a08)

**Discussion:**

02:16:02 Ms. Nowakowski, LSD  
 02:17:14 **Vote:** Motion carried unanimously by voice vote. Sen. Larsen, Sen. Peterson and Sen. Vincent voted by proxy.  
 02:18:06 **Motion:** Sen. Brenden moved that **SB 86 DO PASS AS AMENDED.**

**Discussion:**

02:18:25 Sen. Walker  
 02:19:43 Sen. Hinkle  
**EXHIBIT**(nas26a09)  
 02:21:15 Sen. Bob Hawks, without objection  
 02:22:21 Sen. Barrett  
 02:22:27 Ms. Nowakowski  
 02:23:06 Sen. Hinkle  
 02:23:45 Sen. Hawks  
 02:24:40 Sen. Hinkle  
 02:25:16 Sen. Wanzonried

02:27:07 Sen. Brenden  
 02:28:25 Sen. Kaufmann  
 02:29:55 Sen. Jackson  
 02:30:07 Sen. Tropila  
 02:30:59 Sen. Brenden  
 02:32:15 Sen. Tropila  
 02:32:43 Sen. Steinbeisser

02:33:23 **Vote:** Motion failed 6-8 by roll call vote with Sen. Hamlett, Sen. Kaufmann, Sen. Keane, Sen. Larsen, Sen. Tropila and Sen. Wanzenried voting aye. Sen. Larsen, Sen. Peterson and Sen. Vincent voted by proxy.

02:34:20 **Motion/Vote:** Sen. Brenden moved that **SB 86 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote of those present and voting.

**EXECUTIVE ACTION ON SB 89**

02:34:54 **Motion:** Sen. Hinkle moved that **SB 89 DO PASS**.

02:35:21 **Motion:** Sen. Hinkle moved that **SB 89 BE AMENDED**.  
**EXHIBIT**(nas26a10)

**Discussion:**

02:35:47 Ms. Nowakowski  
 02:37:45 Sen. Barrett  
 02:38:50 Sen. Kaufmann

02:39:18 **Motion:** Sen. Kaufmann moved that items 3, 4, and 6 **BE SEGREGATED**.

**Discussion:**

02:39:27 Ms. Nowakowski  
 02:40:13 Sen. Kaufmann  
 02:41:04 Sen. Brenden

02:41:11 **Substitute Motion/Vote:** Sen. Kaufmann moved that **SB 89 BE AMENDED WITH A CONCEPTUAL AMENDMENT**. Motion failed 4-10 by roll call vote with Sen. Kaufmann, Sen. Larsen, Sen. Tropila and Sen. Wanzenried voting aye. Sen. Larsen, Sen. Peterson and Sen. Vincent voted by proxy.

02:44:38 **Vote:** Motion carried unanimously by roll call vote. Sen. Larsen, Sen. Peterson and Sen. Vincent voted by proxy.

02:44:48 **Motion/Vote:** Sen. Hinkle moved that **SB 89 DO PASS AS AMENDED**. Motion carried 12-2 by roll call vote with Sen. Kaufmann and Sen. Larsen voting no. Sen. Larsen, Sen. Peterson and Sen. Vincent voted by proxy.

**ADDITIONAL TESTIMONY**

**EXHIBIT**(nas26a11)

Testimony from Brianna Randall received via e-mail February 2, 2011 regarding SB 233 and SB 239.

**ADJOURNMENT**

Adjournment:  
02:46:31

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Kevin McCue, Secretary

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Additional Documents:

**EXHIBIT**([nas26aad.pdf](#))